

Attorney's Docket No. _____



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Georg Domenig et al.

Art Unit

Serial No: 09 / 740,554

~~Group~~ No.: 3634

Filed: 12/20/2000

Examiner: Gregory J. Strimbu

For: A ROTARY SHELF ASSEMBLY MECHANISM HAVING A POST HEIGHT ADJUSTMENT
DEVICE AND A NOVEL SHELF CONSTRUCTION AND SHELF RETAINING
ELEMENT FOR SECURING THE SHELVES TO THE POST

Box DAC

Commissioner of Patents and Trademarks

Washington, D.C. 20231

#9

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.137(c))**

Identification Of Person(s) Making This Disclaimer

I, Charles Y. Lackey

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

☐ an inventor of this invention.

☐ an assignee of this invention.

WARNING: "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.

☒ a representative authorized to sign on behalf of the assignee identified below.

WARNING: See the above "WARNING".

☒ the attorney of record for this invention.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office

Date: 1-31-2001

Charles Y. Lackey

Signature

Charles Y. Lackey

(type or print name of person certifying)

(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 1 of 4)

**IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMER
(if applicable)**

The assignee is
Name of assignee Peter Meier, Inc.
Address of assignee 1255 South Park Drive
Kernersville, NC 27284
Title of disclaimant authorized to sign on behalf of assignee. Charles Y. Lackey,
attorney of record for assignee

EXTENT OF DISCLAIMER'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
☐ a sectional interest in this invention as follows:

(here state the exact interest of the disclaimant)

RECORDAL OF ASSIGNMENT IN PTO (if applicable)

- ☒ The assignment was recorded on 12/20/2000
Reel _____
Frame _____
☐ Authorization for recordal of the assignment is separately attached.
☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or ☐ FORM PTO
1595 is also attached.

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(if applicable)**

- ☐ Attached is a CERTIFICATE UNDER 37 CFR 3.73(b) establishing the right of the
assignee to take action in this case.

DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

- ☐ United States Patent No. _____, as presently shortened by any terminal disclaimer,
- ☒ Any patent granted on application number
09 / 640,052

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- ☐ United States Patent No. _____,
- ☒ Any patent granted on application number
09 / 640,052

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of:

- ☐ United States Patent No. _____, as presently shortened by any terminal disclaimer,
- ☒ Any patent granted on application number
09 / 640,052

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

FEE STATUS

(37 CFR 1.20(d))

- ☐ Other than a small entity—fee \$110.00.
- ☒ Small entity—fee \$55.00.
- ☐ A verified statement is attached.
- ☒ A verified statement was already filed on 12/20/200

FEE PAYMENT

- ☒ Attached is a check in the sum of \$ 55.00.
- ☐ Charge Account _____ for any fee deficiency.
- ☐ Charge Deposit Account _____ the sum of \$ _____. A duplicate of this disclaimer is attached.

(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 3 of 4)

DECLARATION

As I am not a person registered to practice before the Office I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

 ✓
Signature of disclaimant

Date: 1-31-2002

Tel. No.: (336)-659-8249

SIGNATURE OF ATTORNEY OF RECORD

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